



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER

ADM: 18

**EFFECTIVE
DATE:
11/06/2012**

**ORIGINAL
ISSUED ON:
12/15/1991**

REVISION NO:

7

SUBJECT: FLEET CRASHES

1.0 PURPOSE

It is the purpose of this policy is to establish a standard for reporting, classifying, and investigating fleet crashes involving Department of Public Safety vehicles.

2.0 POLICY

It is the policy of the Department of Public Safety to provide a fair system to its employees regarding the reporting, classifying, and investigation of fleet crashes involving DPS vehicles.

3.0 APPLICABILITY

This policy applies to all Department of Public Safety employees.

4.0 REFERENCES

NONE

5.0 DEFINITIONS

- A. Chairperson** – The person appointed by the Fleet Safety Committee to coordinate all fleet safety matters and who chairs the Fleet Safety Committee.
- B. Chief** – The Chief of the New Mexico State Police
- C. DPS** – Department of Public Safety.
- D. Driver** – The person in actual physical control of a DPS vehicle that is being operated or is parked. This person will be listed as Driver # 1 on the Uniform Crash Report.
- E. Fleet Crash** - Any collision with or by a DPS vehicle which causes death or personal injury to any person or causes damage to any vehicle, property, object or any damage caused to a DPS vehicle that is parked (attended or un-attended) and is struck by any other vehicle.
- F. Fleet Safety Committee** – A committee of DPS personnel assigned to review and classify fleet crashes in accordance with established guidelines.
- G. Fleet Safety Committee Chairperson** – Selected by the Chief with the concurrence of the Secretary.

added.

6.0 PROCEDURE

A. Crash Reporting

1. The employee (Driver #1) must immediately report all crashes by the quickest means possible to his/her supervisor, who will inform the respective division director

through the chain-of-command. Failure to report a crash, regardless of fault, may subject the employee to a penalty ranging from reprimand to dismissal.

2. The driver will immediately contact the nearest New Mexico State Police office (via radio, telephone, or reliable messenger) and request that an investigation of the crash be completed by a State Police officer. In the event a State Police officer is not available, an investigation by a County Sheriff or Municipal Police Agency will be requested.
3. The driver will remain at the scene of the crash (unless injuries prohibit it) until the on-scene investigation is complete or the driver has been instructed to leave the scene by the supervisor or the investigating officer.

B. Crash Investigation

1. At the discretion of the District Commander where the crash occurred, and if a Fleet Crash Investigation Task Force exists, the commander may recommend the fleet crash investigation be conducted by the Task Force when the crash results in serious bodily injury or death of either the employee or another person.
2. A crash re-construction shall be conducted for any crash involving a DPS employee when the crash results in the death of the employee or another person, while the employee is acting in an official capacity.
3. The integrity of the crash scene must be securely maintained until such time as the re-construction officer has released it.
4. Any fleet crash where the investigating officer suspects, or has reason to believe, alcohol or drugs were involved, shall immediately be reported to a supervisor.
5. The District Commander/Director shall ensure that the Chief's staff and the Fleet Manager are notified of the date, time and unit number of the DPS vehicle involved in a crash. The notification can be accomplished through email.
6. In the event that an employee is injured, a Notice of Injury Packet must be completed and forwarded to Headquarters. Department of Public Safety policy *PRS: 11 (R-2) State Police Duty Injury Leave* shall be adhered to. A first notice of accident does not need to be attached to the Fleet Packet.

C. Driver/Investigating Officer Responsibilities

1. The following documentation must be submitted together as a Fleet Crash Report Packet by the driver and investigating officer:
 - a. Driver Responsibilities
 - i. Three estimates for the repair of the damages to the vehicle.
 - ii. Crash Review Form (narrative from driver shall include details of the incident).
 - b. Investigating Officer Responsibilities
 - i. State of New Mexico Uniform Crash Report.
 - ii. Photographs.
2. The term "driver" also applies to the employee who was last in control of the vehicle when it was involved in a crash while parked. After the crash investigation has been

completed, the driver and investigating officer should work together to complete the Fleet Crash Report Packet.

3. Once the Crash Review Form and three estimates are completed by the driver, they shall be faxed or scanned to the Fleet Manager in Special Operations to expedite the repair process.
4. Once the Fleet Crash Report Packet is complete, it shall be forwarded to Headquarters through the chain of command.

D. Administrative Review

1. Initial Assessment/Classification
 - a. Every employee (driver) involved in a fleet crash must complete a Crash Review Form as part of the Fleet Crash Report Packet.
 - b. Each fleet crash shall be classified by the Uniform District Commander responsible for the area where the crash investigation occurred.
 - c. The driver, District Commander, Zone Commander and Fleet Safety Committee Chairperson must all classify the crash on the Fleet Crash Review Form utilizing the assessment/classification categories as defined in this policy.
 - d. If everyone's classification is identical, no further action will be required. If, for any reason, all four classifications do not match, the crash shall be reviewed by the DPS Fleet Safety Committee.
2. Fleet Safety Committee
 - a. The Fleet Safety Committee will be comprised of a representative from the State Police Uniform Bureau, Investigations Bureau, Motor Transportation Police Division, and one civilian representative from DPS. Committee representatives, and an alternate for each, will be selected by their respective division directors with the concurrence from the Chief. Alternates will attend when primaries can not.
 - b. Committee meetings will be called by the Fleet Safety Committee Chairperson at the direction of the Chief. The chairperson shall call meetings two times a year to review fleet crashes, preferably in January and August. A majority vote by members present will constitute the committee's decision. Ties will be broken by the chairperson.
 - c. An employee whose fleet crash will be reviewed by the Fleet Safety Committee may appear before the Committee. The employee and/or investigating officer(s) must appear before the Fleet Safety Committee, if requested to do so by the chairperson of the Committee.
3. Assessment/Classification Categories
 - a. The Fleet Safety Committee will categorize crashes into one of four categories:
 - i. **A Classification** – It is clear that no negligence existed on the employee's part.

Clarification added.

- ii. **B Classification** – The employee operated or parked a DPS vehicle in a manner that contributed to the cause of the crash. The employee might have not been negligent, but failed to exercise the care expected of a reasonably prudent person in like circumstances. Very minor crashes usually fall in this category. Backing crashes, for example, may be generally, but not in all cases, classified in this category.
- iii. **C Classification** – The crash is a direct cause of an employee's negligence. Crashes that occur while operating without due regard for the width, grade, curves, corners, traffic, weather, road conditions and all other attendant circumstances may be classified in this category.
- iv. **D Classification** – The crash is a direct cause of an employee's gross negligence in which the employee operates a vehicle in a careless, inattentive or imprudent manner.

- b. The Committee's findings will be forwarded to the Chief for review and disposition.

4. Penalties

If the classified crash is the employee's only crash within a one-year period, the following penalties apply:

- a. **A** – No penalty
- b. **B** – Cautionary Letter
- c. **C** – Letter of Reprimand
- d. **D** – State Police Chief's discretion

5. Repeat Crashes

If the classified crash is a second or subsequent crash within a one-year period, the following penalties apply:

- a. **B + B** – Letter of Reprimand
- b. **B + C** – 1-day Suspension
- c. **C + C** – 2-day Suspension
- d. **B + B + B** – 2-day Suspension and driver re-training
- e. **B + B + C** – 3-day Suspension & driver re-training
- f. **B + C + C** – 5-day Suspension & driver re-training
- g. **C + C + C** – State Police Chief's discretion

6. Appeal of Classifications

An employee may appeal the classification decision of the Fleet Safety Committee by requesting a re-classification of the crash in writing to the Chief. All re-classification requests must be made within five (5) working days from the date the employee received the classification notice. All such appeals will be heard by the next scheduled committee meeting. All disciplinary actions related to the initial classification decision by the appeal panel are forwarded to the Chief. An employee

FLEET CRASHES

penalized by suspension or dismissal may appeal the Chief's decision through the appropriate employee discipline process.

7.0 ATTACHMENT

A. DPS Crash Review Form

8.0 APPROVAL

APPROVED BY: s/ Gorden E. Eden Jr. DATE: November 6, 2012
DPS Cabinet Secretary